

AMENDED IN SENATE MARCH 7, 2013

SENATE BILL

No. 112

Introduced by Senator Monning

January 15, 2013

An act to amend Section 2194 of the Elections Code, relating to voter information.

LEGISLATIVE COUNSEL'S DIGEST

SB 112, as amended, Monning. Voter information: public examination.

Existing law sets forth the requirements and procedures for handling the voter registration card and for the specific voter information that is contained therein. Existing law provides that the home address, telephone number, e-mail address, precinct number or other specified number, and prior registration information shown on the voter registration card for all registered voters are confidential and prohibits the disclosure of that information to any person, except as specified.

This bill would require that the above-referenced voter registration card information be ~~open for public examination if the information has been recorded more than 72 years prior to the date of the examination request~~ *available to the public 100 years after the creation of the record*. If the records are contained in the great registers of voters and the bound register contains information covering more than one year, the bill would prohibit ~~the examination of the~~ *the public availability of the* records until the entire contents of the register have been recorded for at least ~~72~~ *100* years.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2194 of the Elections Code is amended to read:

2194. (a) The voter registration card information identified in subdivision (a) of Section 6254.4 of the Government Code:

(1) ~~Shall—~~*Except as provided in paragraph (4), shall be* confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

(2) Shall not be used for any personal, private, or commercial purpose, including, but not limited to:

(A) The harassment of any voter or voter's household.

(B) The advertising, solicitation, sale, or marketing of products or services to any voter or voter's household.

(C) Reproduction in print, broadcast visual or audio, or display on the Internet or any computer terminal unless pursuant to paragraph (3) or (4).

(3) Shall be provided with respect to any voter, subject to the provisions of Sections 2166.5, 2166.7, and 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.

(4) ~~Shall be open for examination by the public if the information has been recorded more than 72 years prior to the date of the examination request~~ *available to the public 100 years after the creation of the record.* If records are contained in the great registers of voters and the bound register contains information covering more than one year, the records shall not be ~~viewed available to the public~~ until the entire contents of the register have been recorded for at least ~~72~~ 100 years.

(b) (1) Notwithstanding any other provision of law, the California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on a voter registration card of a registered voter, or added to voter registration records to comply with the requirements of the *federal* Help America Vote Act of 2002 (42

1 U.S.C. Sec. 15301 et seq.), are confidential and shall not be
2 disclosed to any person.

3 (2) Notwithstanding any other provision of law, the signature
4 of the voter shown on the voter registration card is confidential
5 and shall not be disclosed to any person, except as provided in
6 *paragraph (4) of subdivision (a) and subdivision (c)*.

7 (c) (1) The home address or signature of any voter shall be
8 released whenever the person's vote is challenged pursuant to
9 Sections 15105 to 15108, inclusive, or Article 3 (commencing
10 with Section 14240) of Chapter 3 of Division 14. The address or
11 signature shall be released only to the challenger, to elections
12 officials, and to other persons as necessary to make, defend against,
13 or adjudicate the challenge.

14 (2) An elections official shall permit a person to view the
15 signature of a voter for the purpose of determining whether the
16 signature matches a signature on an affidavit of registration or a
17 petition, but shall not permit a signature to be copied.

18 (d) A governmental entity, or officer or employee thereof, shall
19 not be held civilly liable as a result of disclosure of the information
20 referred to in this section, unless by a showing of gross negligence
21 or willfulness.

22 (e) For the purposes of this section, "voter's household" is
23 defined as the voter's place of residence or mailing address or any
24 persons who reside at the place of residence or use the mailing
25 address as supplied on the affidavit of registration pursuant to
26 paragraphs (3) and (4) of subdivision (a) of Section 2150.